

*United States Bankruptcy Court  
District of Massachusetts*

In re:	)	
LINO MORALES	)	
TERESA MORALES,	)	Chapter 13
DEBTORS.	)	Case No. 09-43094-JBR
_____	)	

**DECISION AND ORDER ON DEBTORS' OBJECTION TO BANK OF AMERICA C/O  
BAC HOME LOANS PROOF OF CLAIM [#12]**

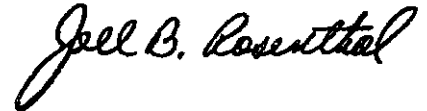
This matter having come before the Court on the Debtors' Objection to Bank of America C/o BAC Home Loans Proof of Claim [#12] (the "Objection") in which the Debtor is actually seeking a determination that the second mortgage of Bank of America c/o BAC Home Loans (the "Second Mortgage") is wholly unsecured, and no responses having been filed, after due consideration of the Objection, the Objection is ALLOWED, subject to the following terms and conditions

1. The Second Mortgage is wholly unsecured and therefore may be stripped off pursuant to 11 U.S.C. § 1322(b)(2).
2. Discharge of the Second Mortgage shall be effective upon (a) the Debtors' completion of their responsibilities under a confirmed Chapter 13 plan providing for the strip off of the Second Mortgage and (b) the entry of an order of discharge.
3. Upon satisfaction of the conditions set forth in paragraph 2 above, the Debtors may request that the holder of the Second Mortgage deliver a discharge, in recordable form, to the Debtor within 14 days of the date of the Order of Discharge.

4. The Second Mortgage shall not be stripped off in the event the case is dismissed prior to the satisfaction of the conditions set forth in paragraph 2 above or converted to a case under Chapter 7 of the Bankruptcy Code.

5. The hearing scheduled for April 20, 2010 on the Objection is canceled.

Dated: April 14, 2010

A handwritten signature in black ink, reading "Joel B. Rosenthal". The signature is written in a cursive, flowing style.

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Joel B. Rosenthal  
United States Bankruptcy Judge.